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February 20, 2003

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 7th Street, SW
Washington, DC 20590
FRA 2001-11068 Notice No. 3

DEPT. OF TRANSPORTATION
DOCKETS

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This is to submit comments in reference to the December 10, 2002 Notice Inviting Comment concerning application of the Federal Railroad Administration (FRA) drug and alcohol testing regulations to employees of foreign railroads who are based outside of the United States and perform train or dispatch services in the United States.

The Drug and Alcohol Testing Industry Association (DATIA) is an 1,100-member national trade association representing the full spectrum of drug and alcohol testing service agents including laboratories, collection sites, C/TPAs, BATs, MROs, SAPs, mandated employers, and testing device manufacturers. DATIA's mission includes working closely with key policy makers in Federal Agencies and in Congress to ensure that the interests of the industry are heard and taken into account when changes in drug and alcohol testing rules are proposed. DATIA works to ensure that these changes foster rather than hinder the industry's growth. DATIA further works to educate the industry on current standards of service and regulatory policies and procedures. In response to the FRA's invitation for comment, DATIA offers the following comments on behalf of its members.

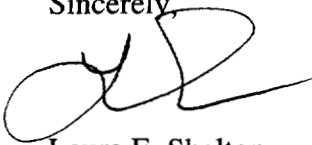
These comments essentially reiterate our initial comments submitted on February 7, 2002. DATIA suggests that the FRA, much like the Federal Motor Carrier Safety Administration (FMCSA), require that all persons performing safety sensitive duties within the U.S. for the railroads are subject to the FRA drug and alcohol testing regulations regardless of where the company is domiciled. Furthermore, foreign railroad foreign based (FRFB) employees who perform train service and/or dispatch service outside of the U.S., but that control or affect train movement in the U.S., should also be subject to the FRA drug and alcohol testing regulations. Regardless of where an employee's company is located, or where the employee is physically located, if the employee is performing safety sensitive duties that directly affect the safety of railroad operations in the US, he/she should be required to comply with the FRA drug and alcohol testing regulations.

Commentors were specifically asked to submit comments on the September 2002 Canadian Human Rights Commission Policy on Alcohol and Drug Testing. While Canada certainly does have different views concerning drug and alcohol testing, they have made exemptions to their policies regarding cross-border trucking and bus operations. DATIA feels that the same exemptions should be made regarding

foreign railroad foreign based (FRFB) employees. If this cannot be achieved through the regulatory process, then DATIA feels that the FRA should work with NAFTA's (North American Foreign Trade Act) Land Transport Standards Subcommittee and Transport Canada to establish guidelines and standards that will meet both the FRA's goals for increased safety and Canada's human rights policies.

DATIA appreciates this opportunity to comment on the proposed rule changes being considered by the FRA. Should you seek further clarification or have any questions concerning DATIA's comments, please feel free to contact me at 703-548-0901 or datia@wpa.org.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. Shelton', with a long horizontal stroke extending to the right.

Laura E. Shelton
Executive Director